

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

The agency identified below in box 1 provides notice of proposed rule change pursuant to *Utah Code* Sections 63-46a-4. Please address questions regarding information on this notice to the agency. The full text of all rule filings is published in the *Utah State Bulletin* unless excluded because of space constraints. The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
Utah Admin. Code ref. (R no.):	R156-60b	Time filed:	
Changed to Admin. Code Ref. (R no.):			

1.	Agency:	Commerce/Division of Occupational and Professional Licensing		
	Room no.:			
	Building:	Heber M. Wells Building		
	Street address 1:	160 East 300 South		
	Street address 2:			
	City, state, zip:	Salt Lake City UT 84111-2316		
	Mailing address 1:	PO Box 146741		
	Mailing address 2:			
	City, state, zip:	Salt Lake City UT 84114-6741		
	Contact person(s):			
	Name:	Phone:	Fax:	E-mail:
	Rich Oborn	801-530-6767	801-530-6511	roborn@utah.gov

(Interested persons may inspect this filing at the above address or at DAR between 8:00 a.m. and 5:00 p.m. on business days.)

2.	Title of rule or section (catchline):
	Marriage and Family Therapist Licensing Act Rule
3.	Type of notice:
	New ___; Amendment XX; Repeal ___; Repeal and Reenact ___
4.	Purpose of the rule or reason for the change:
	The Division and the Marriage and Family Therapist Licensing Board reviewed this rule and determined that changes need to be made.
5.	This change is a response to comments from the Administrative Rules Review Committee.
	Yes ___; No XX
6.	Summary of the rule change:

	<p>Throughout the rule the term "Division" has been capitalized where applicable. Also statute and rule citations have been updated throughout the rule. Section 302a: Proposed amendments delete the reference to July 1, 2002 as this date has passed and it is no longer applicable, make stylistic changes and clarify the clinical practicum course requirement by adding the terms "direct contact" and "face to face". Paragraph (2) is being deleted as it is no longer applicable. Section 302d: Paragraph (3): proposed amendment deletes the reference to January 1, 2009 as this date has passed and it is no longer applicable. Paragraph (4) is being added to clarify how supervisor requirements in paragraph (3) should be enforced. This proposed addition allows for the possibility of applicants gathering hours under requirements in place prior to December 31, 2008 to get credit for their hours if they apply for a license prior to January 1, 2010. Section 304: Throughout this section, the terms "qualified professional education" and "professional education" have been changed to "continuing education" and other stylistic changes have been made throughout this section. Paragraph (2): Proposed amendment replaces September 30 with October 1 because the renewal period actually begins on October 1. Proposed amendment adds the continuing education requirement of completing at least six hours in ethics/law, of which at least three hours must be directly related to marriage and family therapy. This proposed additional requirement will help therapists be more aware of the laws and ethics that apply to their professional practice. Paragraph (5): Proposed amendments clarify what entities may approve, sponsor or conduct continuing education. The proposed amendments also limit the number of clinical readings, internet or distance learning courses to a maximum of ten hours and adds the Division of Occupational and Professional Licensing as an approved provider for continuing education.</p>
7.	<p>Aggregate anticipated cost or savings to:</p> <p>A) State budget:</p> <p>The Division will incur minimal costs of approximately \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p> <p>B) Local government:</p> <p>The proposed amendments only apply to licensed marriage and family therapists and applicants for licensure in that classification. As a result, the proposed amendments do not apply to local governments.</p> <p>C) Small businesses (fewer than 50 employees) AND persons other than businesses:</p> <p>Small businesses: The proposed amendments only apply to licensed marriage and family therapists and applicants for licensure in that classification. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.</p> <p>Persons other than businesses: As a result of the proposed amendment requiring completion of six hours of continuing education in law/ethics, licensed marriage and family therapists may see either a minimal increase or possible decrease in continuing education costs as courses on this subject may cost more or less than current courses. The Division is unable to determine any exact amount of an increase or decrease in costs to obtain the law/ethics continuing education hours. As a result of the proposed amendment which adds the Division of Occupational and Professional Licensing as an approved continuing education provider, licensees will have an additional option with respect to obtaining continuing education hours. Licensed marriage and family therapists may see minimal savings in continuing education costs as a result of the Division now providing continuing education training for the profession up to a maximum of two hours in each two year period. However, any exact amount of savings is unable to be determined.</p>
8.	<p>Compliance costs for affected persons ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization or any character other than an agency):</p>

	As a result of the proposed amendment requiring completion of six hours of continuing education in law/ethics, licensed marriage and family therapists may see either a minimal increase or possible decrease in continuing education costs as courses on this subject may cost more or less than current courses. The Division is unable to determine any exact amount of an increase or decrease in costs to obtain the law/ethics continuing education hours. As a result of the proposed amendment which adds the Division of Occupational and Professional Licensing as an approved continuing education provider, licensees will have an additional option with respect to obtaining continuing education hours. Licensed marriage and family therapists may see minimal savings in continuing education costs as a result of the Division now providing continuing education training for the profession up to a maximum of two hours in each two year period. However, any exact amount of savings is unable to be determined.		
9.	Comments by the department head on the fiscal impact the rule may have on businesses:		
	This rule filing removes outdated provisions, changes the continuing education reporting period to become consistent with license renewal dates, includes the Division as a provider of continuing education, requires six hours of such education to be in ethics and makes other technical amendments. No fiscal impact to businesses is anticipated from these changes beyond those addressed in the rule filing. Francine A. Giani, Executive Director		
10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.		
	State code or constitution citations (required):		
	Section 58-60-301 and Subsections 58-1-106(1)(a) and 58-1-202(1)(a)		
11.	This rule adds, updates, or otherwise changes the following titles of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank):		
12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the <i>Utah State Bulletin</i> . See Section 63-46a-5 and Rule R15-1 for more information.)		
	A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):		11/02/2009
	B) A public hearing (optional) will be held:		
	on (mm/dd/yyyy):	at (time):	At (place):
	10/14/2009	9:00 am	160 East 300 South, Conference Room 210 (2nd floor), Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):		11/09/2009
	NOTE: The date above is the date on which this rule MAY become effective. It is <i>NOT</i> the effective date. After the date designated in Box 12(A) above, the agency <i>must</i> submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "NASA") or proper nouns (e.g., "Medicaid")):		
	licensing	therapists	
	marriage and family therapist		
15.	Attach an RTF document containing the text of this rule change (filename):		R156-60b.pro
To the agency: Information requested on this form is required by Sections 63-46a-4, 5, 6, and 10. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			

AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	09/14/2009

ProposedRule.doc 9/26/2003

R156. Commerce, Occupational and Professional Licensing.

R156-60b. Marriage and Family Therapist Licensing Act Rule.

R156-60b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

(1) "AAMFT" means the American Association for Marriage and Family Therapy.

(2) "Face to face supervision" as described in Subsection R156-60b-302a(1)(b)(vii) includes both individual and group supervision.

(3) "Group supervision" means supervision between the supervisor and no more than three supervisees, unless preapproved by the Board.

(4) "Individual supervision" means supervision between the supervisor and one or two supervisees in accordance with standards set forth in Subsection R156-60b-302b(1)(d).

(5) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 60, is further defined, in accordance with Subsection 58-1-203[~~(5)~~](1)(e), in Section R156-60b-502.

R156-60b-103. Authority - Purpose.

This rule is adopted by the [d]Division under the authority of Subsection 58-1-106(1)(a) to enable the [d]Division to administer Title 58, Chapter 60, Part 3.

R156-60b-302a. Qualifications for Licensure - Education Requirements.

(1) Pursuant to Subsection 58-60-305(1)(d), an applicant applying for licensure as a marriage and family therapist [~~after July 1, 2002~~] shall:

(a) produce certified transcripts evidencing completion of a master's or doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy at the time the applicant obtained the education; or

(b)(i) produce certified transcripts evidencing completion of a master's degree in marriage and family therapy from a program accredited by a professional accrediting body approved by the Council for Higher Education Accreditation of the American Council on Education at the time the applicant obtained the education. [~~which includes courses in the following areas:~~]

(ii) A program under Subsection (1)(b)(i) shall include the following:

([±]A) six semester hours/nine quarter hours of course work in theoretical foundations of marital and family therapy;

([±]B) nine semester hours/12 quarter hours of course work in assessment and treatment in marriage and family therapy,

including Diagnostic Statistical Manual (DSM);

(~~[(iii)]~~C) six semester hours/nine quarter hours of course work in human development and family studies which include ethnic minority issues, and gender issues including sexuality, sexual functioning, and sexual identity;

(~~[(iv)]~~D) three semester hours/four and one-half quarter hours in professional ethics;

(~~[(v)]~~E) three semester hours/four and one-half quarter hours in research methodology and data analysis;

(~~[(vi)]~~F) three semester hours/four and one-half quarter hours in electives in marriage and family therapy; and

(~~[(vii)]~~G) a clinical practicum of not ~~[less]~~fewer than 600 hours which includes not ~~[less]~~fewer than 100 hours of face to face supervision and not ~~[less]~~fewer than 500 direct contact hours of face to face supervised clinical practice of which not less than 250 hours shall be with couples or families who are physically present in the therapy room. [

~~———— (2) Pursuant to Subsection 58-60-305.5(2), an applicant applying for licensure as a marriage and family therapist before July 1, 2002 shall meet the following requirements:~~

~~———— (a) produce certified transcripts evidencing completion of a master's or doctorate degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy; or~~

~~———— (b) produce certified transcripts evidencing an earned doctorate or master's degree in a field of education emphasizing human behavioral studies and skill in therapy or counseling which shall:~~

~~———— (i) be from an institution which is accredited by a professional accrediting body approved by the Council for Higher Education Accreditation of the American Council on Education at the time the applicant obtained the education; and~~

~~———— (ii) include successful completion of the following graduate level course work and a clinical practicum:~~

~~———— (A) six semester hours/nine quarter hours of course work in theoretical foundations of marital and family therapy;~~

~~———— (B) nine semester hours/12 quarter hours of course work in assessment and treatment in marriage and family therapy, including DSM;~~

~~———— (C) six semester hours/nine quarter hours of course work in human development and family studies which include ethnic minority issues, and gender issues including sexuality, sexual functioning, and sexual identity;~~

~~———— (D) three semester hours/four and one-half quarter hours in professional ethics;~~

~~———— (E) three semester hours/four and one-half quarter hours in research methodology and data analysis;~~

~~— (F) three semester hours/four and one-half quarter hours in electives in marriage and family therapy; and~~

~~— (G) a clinical practicum of not less than 600 hours which includes not less than 100 hours of face to face supervision and not less than 500 hours of supervised clinical practice of which not less than 250 hours shall be with couples or families who are physically present in the therapy room; or~~

~~— (c) produce certified transcripts evidencing an earned doctorate or master's degree in a field of religious study with a documented emphasis in marriage and family therapy and which meets the requirements set forth under Subsections (2)(b)(ii)(A) through (G).]~~

R156-60b-302d. Qualifications to be a Marriage and Family Therapist Training Supervisor.

Pursuant to the provisions of Subsection 58-60-307(1), to be qualified as a marriage and family therapist supervisor for training required under Subsections 58-60-305(1)(e) and (f), an individual shall:

(1) be licensed as a marriage and family therapist in good standing for not less than two years;

(2) be currently licensed as a marriage and family therapist in the state in which the training is being performed; and

(3) ~~[on or after January 1, 2009,]~~meet one of the following three options:

(a) be currently approved by AAMFT as a marriage and family therapist supervisor;

(b) have successfully completed a supervision course in a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited marriage and family therapy (MFT) program at an accredited university; or

(c) (i) have successfully completed 20 clock hours of instruction sponsored by AAMFT or the Utah Association for Marriage and Family ~~[Therapists]~~Therapy (UAMFT). ~~[as follows:]~~

(ii) The instruction under Subsection (3)(c)(i) shall include the following:

(A) four hours of review of models of MFT and supervision;

(B) eight hours of MFT supervision processes and practice;

(C) four hours of research on effective outcomes and processes of supervision; and

(D) four hours of AAMFT Code of Ethics, state rules and case studies related to MFT supervision.

(4) Subsection (3) shall not apply to hours of supervised training completed on or before December 31, 2008 for applicants who submit their applications before January 1, 2010.

R156-60b-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 60, is established by rule in Section R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-60b-304. Continuing Education.

(1) In accordance with Section 58-60-105, there is hereby established a continuing ~~[professional]~~ education requirement for all individuals licensed under Title 58, Chapter 60, Part 3, as a marriage and family therapist.

(2) During each two year period commencing ~~[September 30th]~~ October 1st of each even numbered year, a marriage and family therapist shall be required to complete not ~~[less]~~ fewer than 40 hours of ~~[qualified professional]~~ continuing education directly related to the licensee's professional practice of which:

(a) [with] at least 15 hours [thereof being] must be directly related to marriage and family therapy; and
(b) at least six hours must be in ethics/law, of which at least three hours must be directly related to marriage and family therapy.

(3) The required number of hours of ~~[professional]~~ continuing education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(4) ~~[Qualified professional]~~ Continuing education under this section shall:

~~(a) [have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a mental health therapist;~~

~~— (b) —] be relevant to the licensee's professional practice; [~~

~~— (c) — be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;]~~

([d] b) be prepared and presented by individuals who are qualified by education, training, and experience to provide continuing education relevant to the practice of a mental health therapist; and

([e] c) have [associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review] a method of verification

of attendance and completion.

(5) Credit for ~~[professional]~~ continuing education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for ~~[professional]~~ continuing education completed in blocks of time of not less than one hour in formally established classroom courses, seminars, or conferences which meet the criteria listed in Subsection (4) above, and which are approved by, conducted by, or under the sponsorship of universities, colleges or professional associations, societies and organizations representing a licensed profession whose program objectives relate to the practice of mental health therapy;

(b) a maximum of 14 hours per two year period may be recognized for: ~~[-teaching in a college or university, teaching qualified continuing professional education courses in the field of mental health therapy, or supervision of an individual completing his experience requirement for licensure in a mental health therapist license classification;]~~

(i) teaching courses under Subsection (5) (a); or

(ii) supervision of an individual completing the experience requirement for licensure as a mental health therapist;

(c) a maximum of ~~[six]~~ ten hours per two year period may be recognized for clinical readings, internet or distance learning courses directly related to practice as a mental health therapist; and

(d) a maximum of two hours per two year period may be for continuing education from the Division of Occupational and Professional Licensing.

(6) A licensee shall be responsible for maintaining competent records of completed ~~[qualified professional]~~ continuing education for a period of four years ~~[after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate it meets the requirements under this section].~~

(7) A licensee requesting a waiver of the continuing education requirement must comply with requirements as established by rule in R156-1-308d ~~[who documents he is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to three years; however, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met].~~

KEY: licensing, therapists, marriage and family therapist

Date of Enactment or Last Substantive Amendment: [~~December 24,~~
~~2007]~~2009

Notice of Continuation: August 31, 2009

Authorizing, and Implemented or Interpreted Law: 58-1-
106(1)(a); 58-1-202(1)(a); 58-60-301